**AC**

The **value** is **morality**. Neuro-imaging shows that util is the most rational moral theory

Professor Joshua Greene 07 of Harvard writes[[1]](#footnote-1)

To summarize, people’s moral judgments appear to be products of at least two different kinds of psychological processes. First, both brain imaging and reaction-time data suggest that there are prepotent negative emotion[s]al responses that drive people to disapprove of the personally harmful actions proposed in cases like the footbridge and crying baby dilemmas. These responses are characteristic of deontology, but not of consequentialism. Second, further brain imaging results suggest that “cognitive” psychological processes can compete with the aforementioned emotional processes, driving people to approve of personally harmful moral violations, primarily when there is a strong consequentialist rationale for doing so, as in the crying baby case. The [active] parts of the brain that exhibit increased activity when people make characteristically consequentialist judgments are those that are most closely associated with higher cognitive functions such as executive control (Koechlin et al., 2003; Miller and Cohen, 2001), complex planning ( Koechlin, Basso, Pietrini, Panzer, & Grafman, 1999), deductive and inductive reasoning (Goel & Dolan, 2004), taking the long view in economic decision making (McClure, Laibson, Loewenstein, & Cohen., 2004), and so on. Moreover, these brain regions are among those most dramatically expanded in humans compared with other primates (Allman, Hakeem, & Watson, 2002).

Therefore the **standard** is **maximizing happiness**. My standard controls the link to any practical reason or contract frameworks because rational agents would consent to a universal law to maximize utility to increase the chance of their own interests being satisfied. **Moreover**, consistency demands extending our own desire for happiness to others. **Sayre McCord** writes[[2]](#footnote-2)

According to the second argument, the evaluative starting point is again each person thinking "my own happiness is valuable," but this fact about each person is taken as evidence, with respect to each bit of happiness that is valued, that that bit is valuable. **Each person** is seen as **ha[s]**ving **reason to think that the happiness she enjoys is valuable, and** reason to think of others -- given that they are in a parallel situation with respect to the happiness they enjoy -- that each person's happiness is such **that there is the same evidence** available to each **for the value of the happiness that another person enjoys** as there is for the value of one's own happiness. **If** happiness is such that **every piece of** it **[happiness] is desired by someone, then** it seems as if, **in** taking ourselves to have reason to **see[ing] the bit we value as valuable, we are committed to acknowledging the value of all the rest.**

Finally, no act-omission distinction means side-constraints reduce to util.

**Rachels** writes[[3]](#footnote-3)

So **what is the difference between causing and allowing?** What real difference is marked by those words? The most obvious ways of attempting to draw the distinction won’t work. For example, suppose we say it is the difference between action and inaction--when we cause an outcome, we do something, but when we merely allow it to happen, we passively stand by and do nothing. This won’t work because, **when we allow something to happen, we** do **perform at least one act: the act of allowing it** to happen. The problem is that the distinction between doing something and not doing something is relative to the specification of what is or is not done--if I allow someone to die, I do not save him, but I do let him die. **It is tempting to say the difference** between action and inaction **is** the difference between **moving one’s body [or]** and **not** moving one’s body; **but** that does not help. **When we allow something to happen, we are** typically **moving our bodies in all sorts of ways. If I allow you to die by running away, I may be moving** my body **very rapidly.**

**Contention 1** is **deterrence**

Deadly force sets a norm that deters future abuse. **Clark 91** writes[[4]](#footnote-4)

If the risk involved in attacking a woman were greater, there might be fewer attacks. **If women defended themselves violently, the** amount of **damage they were willing to do** to would-be assailants **would** be the **measure** of their seriousness about **the limits beyond which they would not be pushed. If more women killed husbands** and boyfriends **who abused them** or their children, **perhaps there would be less abuse. A large number of women refusing to be pushed any further would erode**, however slowly, **the myth of the masochistic female which threatens all our lives.** Violent resistance to attack has its advantages all round.

Empirics confirm. Each justifiable homicide deters 7.5 murders.

**Southwick 99** writes[[5]](#footnote-5)

From an initial look at these data it would seem that the risk of death at the hands of either the police or civilians would be of obvious concern to felons. It is evident that **executions provide a disincentive to commit murder**, as found by Ehrlich (1975) who found that **each execution deterred** approximately **seven to eight murders.** Of course, justifiable homicides by police and by civilians are not solely in response to murder but are the result of attempts to commit murder either directly or in the course of committing other crimes.

However, **if** each execution and **each justifiable homicide results in 7.5 fewer murders,** the total of 697 justifiable homicides each year should have deterred over 5,200 murders each year. Compared with the approximately 21,500 murders actually occurring each year as shown in Table 2, **this implies that the murder rate would have been** about **24 percent higher without** these **justifiable homicides.** The **civilian justifiable homicides** averaged 299 per year, which **should have saved over 2,200 murders per year.**

Nonlethal force doesn’t solve. It increases the abuse.

Elizabeth **Ayyildiz 95** of the Chicago-Kent School of Law writes[[6]](#footnote-6)

To some, the death of the abuser may seem an inappropriate or excessive way for the battered woman vigilante to punish her abuser and repair the social order. Deadly force on the part of the battered woman, however, may be justified in several ways. First, death may be necessary because **lesser degrees of force may be insufficient**. The battered woman may not be able to confront the batterer without a deadly weapon **because of disparities in size, strength or emotional control.** The lower degree of force a woman typically exerts upon a man may have little or no impact on a physically stronger abuser. Indeed, **a** woman's **lesser degree of force may only incite a vicious retaliation** by the abuser. In addition to believing that a lesser degree of force will be insufficient, many women may believe that leaving is not possible.' Those that do attempt to leave report that their abusers follow them, continuing the harassment and violence. Thus, if one accepts the premise advanced by BWS that battered women are, for a variety of reasons, unable to leave the batterer, and are often weaker than their abusers, then death may be the only means by which battered women can escape the abuse.

Even if the neg wins that there’s 0% risk of general deterrence, deadly force is guaranteed to solve at least one instance of domestic violence.

I’ll isolate 4 impacts.

First, domestic violence is deadly. **NOW 06** [[7]](#footnote-7)

Murder. **Every day four women die in this country as a result of domestic violence**, the euphemism for murders and assaults by husbands and boyfriends. **That’s** approximately **1,400** women **a year,** according to the FBI. The number of women who have been murdered by their intimate partners is greater than the number of soldiers killed in the Vietnam War Battering. Although only 572,000 reports of assault by intimates are reported to federal officials each year, the most conservative estimates indicate **two to four million women** of all races and classes **are battered each year. At least 170,000** of those violent incidents **are serious enough to require hospitalization,** emergency room care or a doctor’s attention.

Second, domestic violence leads to incredibly high suicide rates. Dorothy **Counts 90** [[8]](#footnote-8)

Certainly options other than suicide are available to beaten wives, and fortunately women who are beaten do not usually kill themselves, either in West New Britain or in general (Masamura 1979). It does, however, often seem to be the case that **female suicides were beaten** shortly **before their deaths and** that **suicide was their response to the despair, anger, or shame they experienced as a result of the violence,** In North America, for instance, researchers working with battered women have found a high incidence of suicide attempts among them (Jacobson and Portuges 1978:223; Back, Post, and Darcy 1982; Pagelow 1984:318; Stephens 1985). A working paper on spouse abuse prepared as a background document for **the U.S. Surgeon General reports** research findings **that** between **35** and 40 **percent of battered women attempt suicide** (Stark and Flitcraft 1985). Their evidence suggests that abuse may be the most important provocation yet identified for female suicide attempts.

Third, Domestic violence is the root cause of violence in children. Natalie **Clark 87** [[9]](#footnote-9)

Because **children can learn that violence is appropriate** behavior **when one** of their **parent**s **abuses the other**, the crimes involved in domestic violence should be considered serious. One reasonably may conclude that **the primary producer of violence in society is violence in the home.** American society has long recognized that the **family is** its basic unit and **the** teacher and **socializer of children.** The **acceptance** of serious crime in the home **teaches** perpetrators, victims, future perpetrators, and future victims **that these types of** criminal **behavior are tolerable [in]** when confined to **the home**, away from the public gaze. Moreover, future perpetrators and victims may learn that violent crime is generally appropriate behavior whenever one is angry or frustrated.

Fourth, constant abuse relegates battered women to a fate often worse than death.

Charles **Ewing 90** writes[[10]](#footnote-10)

In large measure, each of these rules, which seem to protect distinctly psy­chological values even at the expense of human life, may be viewed as expres­sions of the principle of autonomy: "The right to resist aggression broadly to cover threats to the personality of the victim . . . the moral claim of the person to autonomy over his life." Implicit in these rules-as well as in the proposed doctrine of psychological self-defense-is the well-grounded recognition that **the value of human life lies not in mere** physical **existence but** rather **in the capacity to experience that existence in a** psychologically **meaningful and rewarding fash­ion. When**, as in the experience of some **battered women[’s]**, **victimization becomes so severe that the capacity to function as an autonomous** (psychologically inte­grated and self-directed) **individual is lost,** severely impaired, or threatened with loss or severe impairment, **physical existence** ("life") **loses** much if not most of **its meaning and value.**

**Contention 2** is **the Legal System** – It doesn’t work for a few reasons

**First**, women can’t seek prosecution for fear of abuse. **Klein 2009** [[11]](#footnote-11)

**A study** of five jurisdictions in three states **found that** victims across all sites reported that **fear of** defendant **retaliation was the**ir **most common barrier to participation with prosecutors.** [103] Even in a Chicago study where the majority of Chicago victims wanted their abusers prosecuted, fear was the biggest factor for those who opposed prosecution. **A quarter** of victims opposing prosecution **reported being specifically threatened** by their abusers **against prosecution. Others expressed fear that their abusers would become more violent.**

**Second,** police don’t respond to domestic violence calls. Mary **Wimberly 07** writes[[12]](#footnote-12)

Empirical, historical, and sociological evidence should be used by experts to show that the necessity of a battered woman’s actions in self-defense is in large part created by societal pressures that demand that women stay in the home, and submit to the domination of men. For instance, an expert could demonstrate how the assumptions of the law and subsequently of law enforcement officials reflect the social norms that compel women to silently and privately cope with domestic abuse. As Caroline Forell and Donna Matthews wrote, “[T]he law is often ineffectual. For example, **in a U.S. Department of Justice study**, Marianne Zawitz estimated that nearly **90 percent of women killed by intimates had previously called the police**, and that **half of these had called five or more times**.” 78 Professor Raeder similarly found, “The statistics produced from myriad sources are disconcerting, even with some discounting for methodological objections. Each year nearly 1500 women are killed by their batterers. Approximately ninety percent of women killed by husbands or boyfriends were stalked and had previously called the police.

**Third,** victims who flee lose custody, relegating their children to a life of domestic abuse as well. Laura **Curry 2009** of the University of Baltimore[[13]](#footnote-13)

A women fleeing with a child must also consider the possible implications of her action in regards to child custody proceedings and existing custody agreements. **If a woman decides to flee** or go underground, then **she will not be present** or able to participate **in** custody **proceedings and will likely lose custody** as a result of her leaving the state where abuse occurred.24 While under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), **the** fleeing **victim can file for** temporary **custody, however, she** may still be forced to return to the home state if she wants to go forward with litigation.25 Furthermore, the mother **may be required to disclose her whereabouts, facing a similar confidentiality problem** as she would if facing parental kidnapping charges.26 Clearly, a woman faces many additional legal challenges when a child is involved as she makes the difficult, but often lifesaving decision, to rebuild her life in a new state.

**Fourth,** even arrest doesn’t solve domestic violence. Criminals continue to abuse women once released. **Klein 2009** [[14]](#footnote-14)

Reabuse has found to be substantially higher in longer term studies. **A** Massachusetts **study tracked 350 male[s]** abusers **arrested for abusing their** female intimate **partners over a decade,** 1995 to 2005. The study found that **60 percent were rearrested for a new domestic assault** or had a protective order taken out against them, even though some went three to four years between arrests. [138, 224] An equivalently high rearrest rate for domestic violence was also documented **in Colorado** between 1994 and 2005. During that time, **of 84[thousand]**,431 **defendants** arrested for domestic violence, according to the state bureau of investigation, more than 50,000 (nearly 60 percent) were arrested for domestic violence charges more than once. In other words, **the** domestic violence **rearrest rate was almost 60 percent** for arrested abusers **over** an average of **five years.**

**Fifth,** relevancy standards in court prohibit women from talking about past events, meaning that patterns of domestic violence are not explained.

Deborah **Weissman 01** of UNC Law School[[15]](#footnote-15)

The power of bias may also insinuate itself in the invocation of neutral rules which are implemented according to values and assumptions of the judge, but which are often injurious to battered women. Legal procedures that appear objective and neutral are neither, when the biases harbored by a judge are infused in their application. Judges who do not understand that abusive behavior is a dynamic with connected and controlling characteristics, and not isolated instances of assault, may apply **the evidentiary requirement of relevancy** in a fashion that **precludes women from testifying about their history of assaults. Judges** thereby focus on an incident of alleged physical harm and **limit testimony** and evidence **to a specific event** or to incidents which are closely related chronologically. This is particularly problematic if the most recent episode, prompting the request for relief, is not the worst episode a woman has endured. Thus, if a woman waits to seek relief until a subsequent assault--one that does not produce injuries or does not rise to a sufficient level of outrage in the judge's perspective--she may be denied that relief because she is precluded from testifying about a prior, more violent course of conduct she has experienced.

The result is a fragmentation of testimony which distorts stories in ways that negate the experiences of battered women and deny a more complete understanding of gender-based violence. **Without evidence documenting the history of violence** and the connections between emotional abuse, threats, and physical harm, **patterns of domestic violence rarely will be discernible**. Furthermore, important connections between battered women themselves remain obscured, impeding the recognition of domestic violence as a public problem with larger social implications, and confining it to individual idiosyncrasies without larger meaning.

**Sixth,** in the status quo, many states use mandatory arrest laws that force victims to prosecute abusers. However, mandatory arrest laws actually decrease prosecution.

Laurie **Kohn 2008** of Georgetown University[[16]](#footnote-16)

**A study** conducted **in Wisconsin found a large increase in the number of women who stated that they would not call law enforcement** again **after the mandatory arrest law went into effect (68**.4**%)** compared withthose who **did not intend to call police [compared wih]** before**[,]** the law went into effect (**0% [before]** would not, 22.5% were unsure). ZORZA & WOODS, supra note 124, at 17 (citing STAFNE, supra note 130, at 5). If the mandatory arrest policy was the only material change reported in Wisconsin during that period-and contemporary analysis suggests that this was the case-this is a striking difference.

Deadly force causes legal system reform which solves murder long-term.

**Clark-2** writes[[17]](#footnote-17)

**The criminal justice system** already **effectively deals with domestic violence culminating in murder.** Fortunately, **people take murder seriously, even** when it occurs **in a domestic setting.** Unfortunately, **however, murder** within the family **is not** usually **seen as the predictable end of domestic violence.** 81 **If it were** so seen, **criminal prosecution of abusers would be common.** The use of **vigorous** criminal **prosecution** in cases where domestic violence has not yet reached murderous consequences **would reduce the number of such murders, both those committed by** unchecked **abusers and those** committed **by** desperate **victims** who see no other available protection for themselves.

**Contention 3** is **Patriarchy**

Current societal norms obscure the role of patriarchy in domestic violence which allows the violence to continue.

**Berns 01** writes[[18]](#footnote-18)

**Feminist constructions of domestic violence emphasize the role of gender** and power **in abusive relationships, including the fact that the overwhelming majority of victims are women. The** first major **strategy of** the **patriarchal**-resistance **discourse is to reframe the problem as "human violence." By removing gender from the framing of the problem, this perspective undermines the role of gender** and power **in abusive relationships.** This discursive strategy, which I refer to as degendering the problem, plays a central role in resisting any attempts to situate social problems within a patriarchal framework. Domestic violence is not the only form of violence that is degendered by critics of feminist constructions. Typical cases of men's everyday violence against intimates and acquaintances, including rape and incest, are obscured in the media by sensationalizing less common "stranger abuse" and "sick rapists" (Caringella-MacDonald 1998; Meyers 1997; Smart 1989; Soothill and Walby 1991; Websdale 1999). "**Media portrayals of rape are in these ways hegemonic, buttressing the patriarchy that undergirds** structural inequality and **sexism** and the rampant rape that these engender" (Caringella-MacDonald1 998, 63). In the case of domestic violence, where strangers are obviously not involved, human violence takes the place of "stranger danger" as a rhetorical tool for diverting attention from men's everyday violence.

Deadly force solves the patriarchal societal norms. Women set the norm that they are not passive and that the violence is not OK.

**Heberle 96** writes[[19]](#footnote-19)

Further, **when women who are battered act violently in self-defense it becomes news. It becomes a story about an innocent woman being victimized who**, out of irrational desperation, **strikes back and happens to kill her abuser. Encouraging stories** of successful prevention and resistance as reasonable and necessary rather than as only desperate and irrational can lead to increased knowledge about the contradictions and fissures in the logic of the rape script and **contribute to the general deconstruction of identifications of women with** real **sexual vulnerability and men with** real **sexual power.**

Going to the legal system only furthers the patriarchy.

**Heberle-2** writes[[20]](#footnote-20)

Turning to these institutions offers increased legitimacy to the violence of the state in general and to racist and patriarchal norms vis-a-vis justice and freedom of movement for women in particular. Advocating strong policing strategies as a means of protection places feminist critiques of the racist/patriarchal state in the background in light of the "reality" of sexual violence.14 Further, **going to the state** can be extremely isolating and **removes responsibility from society for combatting sexual violence. It literally individuates women as vulnerable objects of masculinist power** (women have to argue their immanent vulnerability in order to prove they were raped and in need of services) **and disallows public acknowledgement of the complex logic of sexual violence** writ large.15 At best it offers individual women a limited sense of safety and some (increasingly limited) resources. **In the long run,** however, **state-centered**, bureaucratic, and legalistic **strategies may do more to normalize violence** as a constitutive aspect of political life than to prevent sexual violence as a constitutive aspect of social life.

Our patriarchal culture must be challenged to prevent extinction.

**Spretnak 89** writes[[21]](#footnote-21)

**Most men in our patriarchal culture are still acting out old patterns** that are **radically inappropriate for the nuclear age. To prove dominance and control, to distance one’s character from that of women, to survive the toughest violent initiation,** to shed the sacred blood of the hero, **to collaborate with death** in order to hold it at bay – **all of these patriarchal pressures on men have traditionally reached resolution** in a ritual fashion **on the battlefield. But there is no longer any battlefield.** Does anyone seriously believe that if a nuclear power were losing a crucial, large-scale conventional war it would refrain from using its multiple-warhead nuclear missiles because of some diplomatic agreement? **The military theater of a nuclear exchange today would extend**, instantly or eventually, **to all living things**, all the air, all the soil, all the water. If we believe that war is a “necessary evil,” that patriarchal assumptions are simply “human nature,” then we are locked into a lie, paralyzed. **The ultimate result of** unchecked terminal **patriarchy will be nuclear holocaust.**

Preempts

1. I-meets and counter-interps trigger an RVI for the aff. 2 reasons.

(**a**) the massive time-skew of the LD 1AR means I can’t fully cover theory and still have a fair shot at substance; and

(**b**) no risk theory would exacerbate neg bias by giving him a free source of no risk offense that comes prior to all AC offense.

(10 sec)

2. The role of the ballot is to weigh the offense in favor of the aff advocacy against the offense in favor of a functionally competitive negative advocacy. Two reasons:

(**A**), this interp is most fair because it gives reciprocal burdens to both sides instead of allowing the neg to moot the AC by questioning one of its infinite assumptions.

(**B**), this interp is most educational because it deals with how philosophy is actually applied to the real world, i.e. as a guide for action instead of a pointless thought experiment.

**1AR**

First self-defense is key to preventing the violation of one’s own worth. Barbara **Herman 89** writes[[22]](#footnote-22)

**I am not acting to save my life (as such), but to resist the use of my** agency (**self**) **by another**. Acting to save my life (as something valuable to me) would be to act for just another purpose. The moral standing of my agency - what makes it the source of reasons for others to refrain from acting against me - is not the good (to me) of being alive. Acting to sustain the integrity of my agency is to act for a morally necessary end. Thus, since **my maxim of resistance is not a maxim of aggression** as a means, the original aggressor cannot renew his attack on morally superior grounds. I am not acting to preserve myself through violent means. **In stopping aggression with force I am asserting my status as a rational agent. It is an act of self-respect.**

Second, in the negative world, people can still use non-deadly force which is also coercive which means at best the violation of agency is non-unique. At worst, neg violation is worst because it happens repeatedly.

Third is the golden rule. Self-defense respects the abuser because he is treated in the same way that he treats others. Jeffrey **Reiman** writes[[23]](#footnote-23)

Since reason (like justice) is no respecter of the sheer difference between individuals, **when a rational being decides to act in a certain way toward his fellows, he implicitly authorizes similar action by his fellows toward him.** A version of the golden rule, then, is a requirement of reason: acting rationally, one always acts as he would have others act toward him. **Consequently, to act toward a person as he has acted toward others is to treat him** as a rational being, that is, **as if his act were the product of a rational decision.** From this, it may be concluded that we have a duty to do to offenders what they have done, since this amounts to accord them the respect due rational beings.

(15 sec)

Fourth, killing couldn’t violate another person’s practical reason because either a) they’re still alive in which case they have not been violated or b) they are dead in which case they don’t have practical reason anymore.

Fifth, the abuser’s death is his own fault because he puts the victim in a kill-or-be-killed situation. Professor of Philosophy Cheney **Ryan 83** writes[[24]](#footnote-24)

This case helps us put the self-defense situation in perspective, since Victim’s position seems to be analogous to the mayor’s. **When Aggressor threatens Victim, his actions** have **create**d **a situation in which someone’s life will be lost** (he hopes Victim’s) **Victim is not responsible for this situation**, it is merely presented to him. **But given it, Victim can determine whose life is lost**, and in choosing to defend himself Victim determines that it will be Aggressor’s life. In this sense the **true responsibility for the taking of life rests not with Victim, for Aggressor’s actions have made this inevitable.** In pointing this out, the appeal to self-defense shows that **the real blame for Aggressor’s losing his life rests with Aggressor himself.** We must still explain why Victim is justified in choosing to save his own life over Aggressor’s, but first let me consider some respects in which this approach to self-defense is illuminating. It reveals, I think, the true asymmetry of the self-defense situation. Victim decides which life is lost, and while he may decide incorrectly, his crime in doing so is infinitely less than the malicious Aggressor’s. Interestingly enough, it is a mistake on this view to speak of a right to self-defense, for if the appeal to self-defense serves to absolve one of the responsibility for taking human life, as I have suggested, it cannot at the same time give one the right to take another’s life (except, perhaps, in the weaker Hohfeldian sense of liberty). This approach also reconfirms earlier intuitions about the relevance, or rather irrelevance, of Aggressor’s right to life. Think of it this way: when the mayor is asked to account for the killing of the resistance fighter he chose to kill, must he show that that person forfeited his right to life? Perhaps his choice would be easier if this could be shown, but the propriety of his action does not rest on it. In this same sense, the propriety of Victim’s actions need not presume any forfeit on Aggressor’s part.

Sixth, punishment is necessary to respect the equality of persons.

**Reiman-2** continues[[25]](#footnote-25)

**Crime upsets the equality between persons and retributive punishment restores that equality by “annulling” the crime.** As we have seen, acting according to the golden rule implies treating others as your equals. Conversely, violating the golden rule implies the reverse: Doing to another what you would not have that other do to you violates the equality of persons by asserting a right toward the other that the other does not possess toward you. Doing back to you what you did “annuls” your violation by reasserting that the other has the same right toward you that you assert toward him. … **A crime**, rather than representing a unit of suffering added to the already considerable suffering in the world, is an assault on the sovereignty of an individual that temporarily **places** one person (**the criminal**) **in a position of** illegitimate **sovereignty over** another **(the victim). The victim** (or his representative, the state) then **has the right to rectify this loss of standing** relative to the criminal by meting out a punishment that reduces the criminal's sovereignty in the degree to which he vaunted it above his victim's.

7th, Women do not intend to kill their partners, so they aren't culpable.

**L**aw **R**eform **C**ommission of Western Australia **06[[26]](#footnote-26)**

In a homicide trial the prosecution must prove beyond reasonable doubt that the accused intended to kill (or cause grievous bodily harm to) the deceased. **Many charged with** the homicide of their **[killing] intimate partners defend the charge on the basis that they did not** have the requisite **inten[d]**tion for willful **murder** or murder.110 It is also commonly relied upon in negotiations with the DPP, with the result that lack of the requisite intention is often the basis of a plea of guilty to manslaughter. **In the cases** reviewed by the Commission **in which women killed their** intimate **partners in the context of domestic violence, lack of intention was the basis of 14 out of 19 guilty pleas.**

8th, killing does not use someone as a means to an end in the traditional sense- Herman[[27]](#footnote-27) 2

Although many violent acts are coercive (and thus pose no special prob lem for the CC test if coercion is rejected by it), it won't do to claim that killing is a limiting case of coercion. A coercive act aims at the control of a person's will. Killing does not (at least not of the will of the person killed). **In killing, someone is prevented from doing anything at all, but he is not made to do something against his will.** There is a significant difference be tween threatening pain or twisting your arm (or even threatening to kill) to get you to refrain from joining the opposition party and killing you to achieve the same result. The coercive act looks to alter what will happen by controlling what an agent wills. In killing, **the victim is not prevented from doing something the killing prevents something from happening.** Killing (and noncoercive violence in general) poses a moral problem that needs to be kept separate from that of coercion.

9th, an agent doesn’t have to intend killing in order to intend self-defense. Kamm:

He [Agents] need not intend everything it is necessary for him to do so that the goal come about, so long as he[/she] believes he [they] will do everything [t]he[y] must do whether he intend[ed]s it or not. In sum, a rational agent, insofar as he is rational, need not intend-may even refuse to intend-some of what he believes are the means to an end he still intends. He **[Agents] may intend x, know that** his **bringing z about is necessary for x to come about, but not intend** **z.** The reason this is possible is that **[since]** while it is true that if an agent intends an end, then insofar as he is [they are] rational, he [they] must be willing to bring about what he believes are the means to it, he **[they] need not intend to bring about the means in order** for him **to bring about the means.**

Tenth, pacifism is a contradiction of the will because it requires willing the violation of one’s own agency: Herman[[28]](#footnote-28) 3

So first?why may I kill to resist aggression? What reasons could I of fer to rebut the presumption against violence? It is not that I may kill in order to keep myself from becoming dead?something I do not want to happen. Death is part of the fate of human agents. The kind of value or moral standing I have as an agent is not lost or compromised in dying. **What a maxim of aggression** or violence **involves,** morally speaking, **is the discounting of my agency**. The aggressor would use me (take my life) for his purposes. This is what I resist, and claim moral title to refuse. **As I cannot agree to become someone's slave, so I must not assent to be the victim of aggression**.17 **This** gives more than permission for an act of self-defense when that is necessary to resist the aggression; it **imposes a requirement that aggression be resisted.**Though I may not be able to prevent the aggressor's success, I may not be passive in the face of aggression. **Passivity here is like complicity**. It does not follow from a requirement of non-passivity that I must act in self-defense. I might have a commitment to resist and have reason not to do any of the things available as acts of resistance (suppose they involved loss of innocent lives). What is clear is this?it is not the fact of death but the death-as-a-means to the aggressor's purposes that gives moral title to resistance and self-defense. The circumstances of aggression rebut the presumption against violence.

11th, we can make specific maxims in the context of domestic violence.

Dan **Gaskill 05** of California State University explains[[29]](#footnote-29)

The problem with this argument is that we can lie without simply following the rule “It is permissible to lie.”  Instead, **we might be following a rule that pertains only to specific circumstances**, like “It is permissible to lie when doing so will save a life.”  **This rule can be made a universal law without contradiction**.  After all, it is not as though people would stop believing each other simply because it is known that people lie when doing so will save lives.  For one thing, that situation rarely comes up—people could still be telling the truth almost all of the time.  Even the taking of human life could be justified under certain circumstances.  **Take self-defense, for example.  There appears to be nothing problematic with the rule “It is permissible to kill [for]** when doing so is the only available means of **defense against an attacker”.**

**AT Women Don’t Intend Self-Defense**

1. Studies prove, victims believe they are acting in self defense. **Saunders**[[30]](#footnote-30)

A controversy exists regarding the nature of violence committed by women against their intimate partners. When battered women are violent it is not known if the violence should be labeled “mutual combat,” “husband abuse,” or “self-defense.” Following a review of studies comparing the extent of husbands’ and wives’ victimization and some conceptual issues regarding self-defense, **data are presented from 52** battered **women** on their motives for using violence against their partners. **The most frequent reason for violence** reported by the women **was** for **self-defense.** Only one woman reported initiating an attack with severe violence in more than half of her violent acts. **Only eight percent** of the women reported that nonsevere violence was **used [violence] to initiate an attack more than half of the time.** The concepts of "self-defense" and “fighting back” were significantly and positively correlated, that is, many women saw them as being the same. The women’s self-reports are discussed in the context of the need to collect data on relevant explanatory variables in family violence research and the application of a feminist perspective to reduce bias in such research.

(10 sec)

2. The resolution mandates that the aff gets self-defense ground. If the agent only intended murder and not self-defense, the deadly force would not be considered a response to the domestic violence.

3. Prefer my interpretation because his interpretation leaves the aff no ground. I would have to defend warrantless killing. That’s a voter for fairness, **he concedes that counter-interps justify an RVI** because he shouldn’t get no risk insufficient burdens. They skew the 1AR.

The resolution is in the present tense, so the topic is an on balance evaluation of the status quo. In the status quo, a majority of cases are confrontational.

Professor Holly **Maguigan** reports[[31]](#footnote-31)

**Two hundred twenty-three cases were identified as** meeting the definition established for **battered women's homicide** cases.60 These cases generated a total of 270 opinions.61 The incidents, rather than the opinions, were used as the base for this portion of the Article's analysis.62 Of the 223 incidents comprising the base, **75% involve confrontations.**63 Twenty percent are non-confrontational cases (4% "con- tract killings,"64 8% sleeping-man cases, and 8% defendant as initial aggressor during a lull in the violence).65 In the remaining 5%, the appellate opinions did not include a discussion of the incident facts introduced at trial.66 As the breakdown indicates, the appellate opinions do not support the conclusion that most battered women kill during non-confrontational situations.

This means the aff meets proportionality and imminence requirements.

**Maguigan-2** explains what her study considers “confrontational.”

**"Confrontation" is used here to describe a** fact **pattern that would entitle a defendant to** a **self-defense** instruction **under the law** of most jurisdictions.34 **A case is defined as** a **confrontational** battered woman's homicide35 **if** the defendant killed her spouse or lover and at trial evidence (disputed or not) was offered on the record and discussed on appeal (whether or not ruled admissible by the trial judge) that **(1) he had abused her in the past,**36 **(2)** on the occasion of the homicide **he behaved in a way that**, according to her testimony, **she interpreted**37 **as** posing **an imminent**38 **threat** of death or serious bodily injury39 to her, **(3) she did not provoke**40 **his behavior** by unlawful actions **and was not the initial aggressor**,41 **(4) she violated no duty to retreat**,42 **and (5) the force she used was proportional** to the threat she perceived.43 A non-confrontational case, on the other hand, is defined as a killing that occurred while either (1) the man was asleep, (2) the man was awake, but the woman was the initial aggressor on the particular occasion, or (3) the woman hired or persuaded someone else to kill the man.

(35 sec)

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